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December 2, 2019

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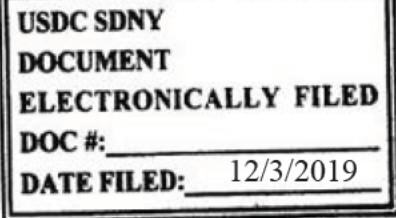
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Via ECF Filing Only

The Honorable Analisa Torres
United States District Court
500 Pearl Street
New York, New York 10007

Re: Health & Welfare Fund of the United Food & Commercial Workers Local 2013,
AFL-CIO v. Elener Associates, LLC d/b/a Riverdale Manor Home for Adults
Civil Case No. 19-CIV-9345 (AT)

Dear Judge Torres:

Our office represents Plaintiff Health & Welfare Fund of the United Food & Commercial Workers Local 2013, AFL-CIO in connection with the above-captioned matter which is currently scheduled for an initial pretrial conference on December 10, 2019 at 11:40 a.m. The purpose of this correspondence is to provide Your Honor with an update concerning the case and to request an adjournment of the conference and the date by which Defendant's answer to the Complaint is due.

This action was commenced on October 9, 2019 to compel payment of fringe benefit contributions, interest and audit costs for the period of January 1, 2013 through December 31, 2014.¹ Pursuant to the Waiver of Service filed with the Court, Defendant's Answer or Rule 12 motion is due on December 10, 2019. Since accepting service through its attorney, Defendant produced additional documentation which resulted in an adjustment to the amount in question which now totals \$5,921.07. The parties are working diligently towards an amicable resolution of this case and based upon the amount in question, we are optimistic that the case will be resolved. To that end, we respectfully request that the initial pretrial conference be adjourned for

¹ An Amended Complaint was filed on November 27, 2019 to identify the correct audit period.

thirty (30) days and that, likewise, Defendant's answer to the Complaint be due by January 10, 2020, so that the parties have adequate time to reach a resolution. In furtherance thereof, a stipulation is enclosed herewith. Opposing counsel, Shannon D. Azzaro, joins in this request.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ James M. Steinberg

James M. Steinberg, Esq.

Enc.

Cc: Shannon D. Azzaro, Esq.
Ms. Jacqueline Dowling
Ms. Megan Bellew

GRANTED in part, DENIED in part. **By December 13, 2019**, Defendant shall answer or otherwise respond to the complaint.

The initial pretrial conference scheduled for December 10, 2019 is ADJOURNED to **December 19, 2019, at 12:00 p.m.** By **December 12, 2019**, the parties shall submit their case management plan and joint letter.

SO ORDERED.

Dated: December 3, 2019
New York, New York



ANALISA TORRES
United States District Judge